

MELINDA L. HAAG  
United States Attorney  
LUCILLE GONZALES MEIS  
Regional Chief Counsel, Region IX  
Social Security Administration  
ARMAND D. ROTH  
Special Assistant United States Attorney  
California Bar No. 214624

333 Market Street, Suite 1500  
San Francisco, California 94105  
Telephone: (415) 977-8924  
Facsimile: (415) 744-0134  
E-Mail: Armand.Roth@ssa.gov

Attorneys for Defendant Commissioner of Social Security

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JOSE R. FERNANDEZ,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of  
Social Security,

Defendant.

CIVIL NO. 09-02762 CRB

STIPULATION FOR THE AWARD AND  
PAYMENT OF ATTORNEY FEES  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT, 28 U.S.C. § 2412(d), AND  
COSTS PURSUANT TO 28 U.S.C. § 1920

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), in the amount of FIVE THOUSAND FIVE HUNDRED dollars (\$5,500) and costs in the amount of ONE HUNDRED EIGHTEEN DOLLARS AND FORTY-FOUR CENTS (\$118.44). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920 and 2412(d).

After the Court issues an order for EAJA fees and costs to Plaintiff, the government will consider

1 the matter of Plaintiff's assignment of EAJA fees and costs to Plaintiff's attorney. Pursuant to *Astrue v.*  
 2 *Ratliff*, – S.Ct. – , 2010 WL 2346547 (U.S. June 14, 2010), the ability to honor the assignment will  
 3 depend on whether the fees and costs are subject to any offset allowed under the United States  
 4 Department of the Treasury's Offset Program. After the order for EAJA fees and costs is entered, the  
 5 government will determine whether they are subject to any offset.

6 Fees and costs shall be made payable to Plaintiff, but if the Department of the Treasury  
 7 determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of  
 8 fees and costs to be made directly to Barbara M. Rizzo pursuant to the assignment executed by Plaintiff.  
 9 Any payments made shall be delivered to Plaintiff's counsel.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees  
 11 and costs, and does not constitute an admission of liability on the part of Defendant under the EAJA.  
 12 Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims  
 13 that Plaintiff and/or Plaintiff's counsel may have relating to EAJA attorney fees and costs in connection  
 14 with this action.

15 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security Act  
 16 attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA.

17 Respectfully submitted on October 14, 2010,

18 /s/ Barbara M. Rizzo  
 19 (As authorized via email)  
 20 BARBARA M. RIZZO  
 Attorney for Plaintiff

21 MELINDA L. HAAG  
 22 United States Attorney  
 23 LUCILLE GONZALES MEIS  
 Regional Chief Counsel, Region IX  
 Social Security Administration

24 /S/ Armand D. Roth  
 25 ARMAND D. ROTH  
 26 Special Assistant U.S. Attorney  
 27  
 28

**ORDER**

**APPROVED AND SO ORDERED:**

Dated: Oct. 18, 2010

CHARLES R. BREYER  
UNITED STATES

